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THE
TRIAL
OF
JOHN WILSON, *alias* JEN KIN RATFORD,
FOR
MUTINY, DESERTION AND CONTEMPT:
TO WHICH ARE SUBJOINED,
A FEW CURSORY REMARKS.

BOSTON :
PRINTED BY SNELLING AND SIMONS,
NO. 5, EXCHANGE BUILDINGS, DEVONSHIRE STREET.

1807.

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TRIAL

OF

JOHN WILSON, *alias* JENKIN RATFORD:

MINUTES of the Proceedings of a Court Martial assembled and held on board His Majesty's Ship Belleisle, in Halifax Harbour, Nova-Scotia, on Wednesday, 26th August, 1807, to try JENKIN RATFORD, of his Majesty's Ship Halifax, for Mutiny, Desertion, and Contempt, as set forth in a Letter from her Commander, The Right Honourable Lord JAMES TOWNSHEND.

PRESENT,

The Hon. Sir ALEXANDER COCHRANE, K. B.
Rear Admiral of the White, and Second Officer in the Command at Halifax, President.

CAPTAINS,

FRANCIS PICKMORE, WILLIAM CHARLES FAHIE, EDWARD HAWKER, JOHN ERSKINE DOUGLAS, PHILIP BEAVER, NATHANIEL DAY COCHRANE,

Being all the Captains of the rank of Post at this place.

On the Court assembling, at half past ten o'clock, the prisoner being brought forward, the evidence called over, and audience admitted, read the Order addressed to the President from the Honourable GEORGE CRANFIELD BERKELEY, Vice Admiral of the White, and Commander in Chief at Halifax, Nova-Scotia, &c. dated the 25th of August, and the President's Order to the Judge Advocate to officiate as such, when the Members, and Judge Advocate were severally sworn, agreeable to Act of Parliament; and the following letter, containing the charges against the prisoner, read:

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.....
*His Majesty's Sloop Halifax,
Halifax Harbour, 15th August, 1807.*

SIR,

I BEG leave to represent to you, that the five men named in the margin,* belonging to His Majesty's sloop Halifax, under my command, when sent with a petty officer in the jolly boat, in Hampton Roads, on the 7th of March last, to weigh a kedge anchor, which had been previously dropped for the purpose of swinging the ship by, taking the advantage of the dusk of the evening, mutined upon the petty officer, some of them threatening to murder him, but, the rest interfering they desisted; however, taking the boat under their own command, they succeeded in deserting, by landing at Sewel's Point.

The whole of the above mentioned deserters, I have since been informed, entered on board the United States frigate Chesapeake, and were seen by me, and several of my officers, parading the streets of Norfolk in triumph, under the American flag. A few days after the desertion, I accosted one of these men, Henry Saunders, asking the reason of his deserting, and received for answer, that he did not intend any thing of the kind, but was compelled by the rest to assist, and would embrace the first opportunity of returning. At that moment, Jenkin Ratford, one of the said deserters, coming up, took the arm of the said Henry Saunders, declaring with an oath, that neither he, or any of the rest of the deserters, should return to this ship, and, with a contemptuous gesture, told me he was in the Land of Liberty, and instantly dragged the said Henry Saunders away.

Finding that my expostulating any longer, would not only be useless in obtaining the deserters, but, in all probability, have collected a mob of Americans, who, no doubt, would have proceeded to steps of violence, I instantly repaired to the house of Colonel Hamilton, (the British Consul there) and related every circumstance which occurred, and applied to him, as also, to Lieutenant Sinclair of the rendezvous for the United States service, to recover the said deserters, but without effect.

Being since informed that Jenkin Ratford has been recovered, in action, on board the United States frigate Chesapeake, with His Britannic Majesty's ship Leopard, and now a

* Rich. Hubert, Henry Saunders, Jenkin Ratford, Geo. North, Wm. Hill.

prisoner on board his Majesty's ship *Bellona*, I have to request you will be pleased to direct a Court Martial may be assembled for the purpose of trying the said Jenkin Ratford, for the within mentioned charges of *Mutiny, Desertion, and Contempt*.

I have the honour to remain,
Sir,
Your most obedient humble servant,
J. TOWNSHEND.

*To the Hon. G. C. Berkeley, Vice Admiral
of the White, and Commander in Chief,
&c. &c. &c. Halifax, N. S.*

The Evidence were then withdrawn.

The Right Honourable Lord James Townshend, sworn.

Q. Relate to the Court what comes within your knowledge of the charges against the prisoner ?

A. At the time of the prisoners deserting, I was on board the *Mermaid* ; on hearing a firing of musketry kept up from the ship, about six o'clock in the evening, on the 7th of March, I immediately returned on board, when Lieutenant Carter informed me, that five men had rose on Mr. Turner, midshipman, and deserted with the jolly boat. The next morning, I sent Lieutenant Masters to Norfolk, to acquaint Captain Hollis and the British Consul of the desertion of the men ; on his return, he reported to me that he had seen some of them, one in particular, Richard Hubert, parading the streets, with the American flag, then recruiting for the Chesapeake. I then went up myself to Norfolk, and told the British Consul ; and finding that the men had entered for the Chesapeake, I applied to Lieutenant Sinclair, who was entering men for her, and received for answer, that there were no men entered for them by the names I gave ; but if any deserters had entered, I must apply to the magistrates ; which I did, through the Consul, who, I believe, applied to the Mayor and Civil Power. I also applied to Capt. Decatur, who referred me to Lieut. Sinclair : but I met with no success in recovering the men. I met the prisoner, with Saunders, the Boatswain's mate, after my application, and asked them the reason they did not return to the ship. Saunders said he would ; and immediately went with me about twenty yards, when the prisoner

laid hold of his arm, and said he would be damned if he should return to the ship ; that he was in the Land of Liberty ; that he would do as he liked, and that I had no business with him. The prisoner was very abusive, the words I do not recollect.

Q. What answer did Lieut. Sinclair make to you the second time you applied to him ?

A. The same as before. I offered to point out the men if he would allow me to go into the rendezvous, but to which he returned no answer. I saw some of the deserters at the rendezvous : the prisoner was not among them.

Q. Was the prisoner abusive to you, personally, or was the abuse general ?

A. Chiefly personal.

Q. *By Prisoner.* Did you not send a gentleman to call me out of the house ?

A. Yes.

Q. Did I not come out at the same time and stand at Saunders's back, all the time you were talking to him ?

A. You came into the street about four minutes after Saunders.

The Evidence now commenced for the Prosecutor.

Lieutenant Thomas Wren Carter, 1st, of the Halifax, sworn.

Q. Relate what you know respecting the charges against the prisoner ?

A. On the 7th of March last, about six o'clock in the evening, being commanding officer, I sent the jolly boat, with Mr. Turner, midshipman, and five men, to weigh the kedge anchor, which had been laid out for swinging the ship. They were a long time there. I hailed them once, to know what they were about ; they answered, getting the tackle on board. A short time after, the quarter master, Douglas, told me he thought they were pulling away. Believing they were, I ordered a fire of musketry on them. That not having any effect, I directed some great guns to be pointed and fired ; one was, but the boat being nearly out of sight, owing to the dusk, and a tender belonging to the Bellona, immediately in her wake, I was obliged to desist firing, and saw no more of her. As soon as the firing ceased, a muster of the ship's company was made, when I found that the prisoner, with the other men named in the charge, had deserted. Two or three days after, the petty officer returned, and reported he had been run away with by the crew.

The prisoner having no questions to ask, this evidence withdrew.

Mr. Robert Turner, midshipman, of the Halifax, called in and sworn.

Q. Relate to the Court what you know respecting the charges against the prisoner?

A. On the evening of the 7th March I was desired by the first Lieutenant to go in the jolly-boat, and weigh kedge anchor; the prisoner was one in the boat, with Hill, North, Hubert, and Henry Saunders; after we had shoved off from the ship and got hold of the kedge hawser, and the anchor up to the bows, it came on to rain very hard, and the weather being thick, the men took the boat from me; when I hailed the ship repeatedly, until silenced by Hill, who threatened if I hailed the ship any more he would knock my brains out, and heave me overboard. Hill said if it had been Mr. M'Gory in the boat, instead of me, he would have tanned his hide, and thrown him overboard. The instant the boat landed at Sewel's Point they all jumped out and left me in her. Saunders I think would have returned, if he had not have been threatened to have his brains knocked out: I do not know if by the prisoner in particular; it was amongst them. After landing I saw nothing of the men until Monday, two days after, when I saw the prisoner at Norfolk, with a number of men who had entered into the American service. On Tuesday I met Lord Townshend and informed him of the circumstances: shortly after saw the prisoner and Saunders, Lord Townshend speaking to them, and telling them, that if they would return to the ship he would forgive them. Saunders was in the act of going down to the British Consul's with me; the prisoner said if he attempted to return to the ship, if he was not able himself, he would get more hands to assist in cutting his bloody guts out.

Q. By Prosecutor. Did it not appear to you that the whole time I was in conversation with Saunders, and the prisoner, that the latter was very abusive?

A. He was.

Q. Did the deserters cut the boat adrift, and shove her from the shore, making you jump out up to your middle in water?

A. After landing, I was left in the boat, the painter was cut, the boat floated off, and I jumped into the water, and waded ashore.

Q. Did you observe the prisoner assist in rowing the boat, after it was taken from you?

A. Yes I did, four men were rowing, Saunders and myself were sitting in the stern sheets.

Q. By Prisoner. Did Saunders go out of the stern sheets to look for kedge buoy?

A. He was out of the stern sheets but I am not certain if he had hold of the hawser or not.

The prisoner having no further questions to ask, the evidence withdrew.

Thomas Douglas, quarter master of the Halifax, called in and sworn.

Q. Relate to the Court what you know respecting the charges against the prisoner?

A. I had the watch on deck, I think about half past five o'clock on the evening of the 7th of March. I was standing on the starboard gangway, when the men slipped the kedge hawser, and got their oars out. I went immediately to the gun room and reported to Lieutenant Carter that the boat was rowing off from the ship. He came up immediately. I having gone before and got the key of the arm-chest out of the binnacle drawer, and took out the muskets, with a cartouch box, (the sentry's musket not going off,) Lieutenant Carter, Mr. Smith, and myself, fired as long as we could keep sight of the boat.

Q. Do you know that the prisoner was one of the men in the boat?

A. I do.

The prisoner having no questions to ask, the evidence withdrew.

Lieutenant James Masters of the Halifax, called in and sworn.

Q. Relate to the Court what you know, respecting the charges against the prisoner?

A. On the 7th of March, about six in the evening, the prisoner, and four other men, were sent to weigh the kedge anchor. Soon after it was reported they had deserted. I went on deck and observed them pulling from the ship. They were fired at several times, but to no effect. I was sent up to Norfolk the next morning, with a letter on service; I saw two of the deserters, but did not speak to them, one of them with the American flag, and the other coming out of a public house; the prisoner was not one of them. I know the prisoner deserted on the 7th of March from the ship.

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The prisoner having no questions to ask, this evidence withdrew.

Mr. George Tincombe, Master's mate of the Melampus, called in and sworn.

Q. Relate to the Court what you know respecting the charges against the prisoner?

A. I was on board the Leopard on the 22d June as a passenger, and was ordered on board the Chesapeake with Lieutenants Falcon and Guise, to search for deserters. After the hands were sent on deck, I was ordered below to search, and found the prisoner in the coal hole; he was taken on the quarter deck, and known by Mr. Preston, Purser of the Leopard, as being discharged from her to the Halifax.

Q. Did the prisoner deny belonging to the Halifax?

A. He said he was an American, and did not belong to the Halifax.

Q. On your going on board the Chesapeake, did you hear any conversation that passed respecting deserters, whether they acknowledged or denied having any?

A. The Captain of her said, he did not know they had any deserters on board.

Q. Did the prisoner stand on the Chesapeake's books by his present name, or by what other?

A. I think by the name of Wilson.

Q. Previous to the action between the Leopard and the American frigate, do you know, if there was any correspondence, by letter, between Captain Humphreys, and the Commander of the Chesapeake, to demand the deserters then on board her?

A. Yes.

Q. Did you hear any thing that passed after the correspondence between Capt. Humphreys and the Chesapeake?

A. I did hear Captain Humphreys say, Commodore Barron, you must be aware of the necessity I am under of complying with the orders of my Commander in Chief. He replied, you may do as you please.

Q. Did you understand that as a refusal to comply with Captain Humphrey's wishes to have the English deserters given up from the Chesapeake to the Leopard?

A. Yes.

Q. How long was it from the time of first sending the boat on board the Chesapeake, until the action commenced?

A. The boat was on board the Chesapeake about three quarters of an hour, when the signal was made for her from the Leopard : she returned in about ten minutes after, with a letter, which Captain Humphreys took into the cabin, and read ; then ordered the guns to be primed, fired one gun athwart her bows, and then hailed as before, to which a similar reply was made : Capt. Humphreys then ordered the fire to commence, beginning with the foremost gun on the lower deck, and gave her about three broadsides.

Q. Were the crew of the Chesapeake mustered previous to the finding of Ratford in the coal hole ?

A. No ; not until afterwards.

Q. What other deserters were taken out of the American frigate ?

A. Three belonging to the *Melampus*.

Q. Were there many Englishmen mustered on board her ?

A. About twelve, men and boys.

Q. Were any of those Englishmen demanded, or any other men demanded, or taken out, except *known* deserters ?

A. No.

The prisoner having no questions to ask, the evidence withdrew.

Mr. Frederick Phillips, midshipman of the Bellona, sworn.

Q. Were you doing duty on board the Leopard at the time of the controversy between her and the American frigate Chesapeake ?

A. Yes.

Q. Relate to the Court what you know respecting the charges against the prisoner ?

A. When I went on board the Chesapeake, I saw the prisoner standing, or leaning, against one of the carronades on the quarter-deck. I know he was taken out of the Chesapeake to the Leopard.

The prisoner having no questions to ask, the evidence withdrew.

Mr. James Simpson Wells, Clerk of the Halifax, called in and sworn.

He produced the complete book of the Halifax ; swore to its correctness, and, by direction of the Court, pointed out to the Judge Advocate, the five men, stated by the charge to have deserted, which he did, as follows :

Richard Hubert, sail-maker, born in Liverpool, England, aged 22.

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Henry Saunders, yeoman of the sheets, born in Greenock, aged 26.

Jenkin Ratford, ordinary, born in London, aged 34.

George North, captain of the main-top, born in Kinfale, aged 27.

William Hill, able, born in Philadelphia, aged 21. Entered at Antigua.

Q. Do you know the prisoner to be one of the men you have now named ?

A. Yes, I do, by the name of Jenkin Ratford.

Q. Have you any reason for believing the prisoner to be born in London ?

A. I think I was present when his description was taken, and he gave the place of his birth, London, himself.

The prisoner having no questions to ask, the evidence withdrew ; and

Mr. *James Baikie*, Secretary to Vice-Admiral *Berkeley*, sworn to the following letters being true copies of those sent to the Commander in Chief ; when they were read, and are as follow :

To JOHN ERSKINE DOUGLAS, ESQUIRE,
*Captain of His Majesty's Ship Bellona, and Senior Officer, &c.
&c. Chesapeake.*

*His Majesty's Ship Leopard, at Sea,
22d June, 1807.*

SIR,

IN obedience to your signal this morning, to weigh and reconnoitre, S. E. by E. I have the honour to acquaint you, that having arrived off Cape Henry, to the distance of about four or five leagues, I bore up, pursuant to orders from the Commander in Chief, to search for deserters on board the United States frigate *Chesapeake*. On arriving within hail, an Officer was dispatched according to my instructions, to shew the order to her commander, together with the following note from myself :

"The Captain of his Britannic Majesty's ship *Leopard*, has the honour to enclose the Captain of the United States frigate *Chesapeake*, an Order from the Hon. Vice-Admiral *Berkeley*, Commander in Chief of his Majesty's ships on the North American station, respecting some deserters from the ships (therein mentioned) under his command, and supposed now to be serving as part of the crew of the *Chesapeake*.

"The Captain of the Leopard will not presume to say any thing in addition to what the Commander in Chief has stated, more than to express an hope, that every circumstance respecting them may be adjusted, in such a manner, that the harmony subsisting between the two countries, may remain undisturbed."

The boat, after an absence of three quarters of an hour, returned with the following Answer :

"I know of no such men as you describe ; the officers that were on the recruiting service for this ship, were particularly instructed by the government, through me, not to enter any deserters from his Britannic Majesty's ships ; nor do I know of any being here.

"I am also instructed, never to permit the crew of any ship that I command, to be mustered by any other but her own officers ; it is my disposition to preserve harmony ; and I hope this answer to your dispatch will prove satisfactory.

(Signed)

JAMES BARRON.

Commander of the United States ship Chesapeake."

On the receipt of this letter, motives of humanity, and an ardent desire to prevent bloodshed, induced me if possible to endeavour to make the search without recurring to more serious measures, by repeatedly hailing and remonstrating without effect. I then directed a shot to be fired across the bow ; after which he was again hailed, the answers again were equally evasive ; conceiving therefore, that my orders would not admit of deviation, I lament to state that I felt under the necessity of enforcing them by firing into the United States ship ; a few shot were returned, but none struck this ship ; at the expiration of ten minutes from the first shot being fired, the pendant and ensign of the Chesapeake were lowered. I then gave the necessary direction for her being searched, according to my instructions, and herewith send you a statement* of the number and names of the deserters found on board. Several

* *List of men found on board, and serving as a part of the Crew of the United States ship Chesapeake, deserters from His Majesty's ships Melampus and Halifax.*

WILLIAM WARE,

DANIEL MARTIN,

JN. STRACHAN, *alias* STORY,

JN. WILSON, *alias* JENKIN RATFORD, H. M. S. HALIFAX.

(Signed)

S. P. HUMPHREYS.

His Majesty's ship Leopard, at Sea, 22d June, 1807.

other English subjects composed part of the crew of the frigate, but as they did not claim the protection of the British flag, and not within the limits of my orders from the Commander in Chief, I therefore allowed them to remain.

After the search had been made, and previous to separation, the Captain sent me the annexed Note ;* which, with my answer, I have the honour to subjoin ; and

Have the honour to be,

Sir,

Your most obedient, humble servant,

S. P. HUMPHREYS.

Serjeant Richard Frodsham, of the Royal Marines, of His Majesty's Ship Bellona, called in and sworn, to truly answer what he knew of the prisoner, as also to such questions as the Court might ask him. Had heard the charges read.

Q. Do you know any thing of the prisoner ?

A. Only that he was confined on board the Bellona, as a deserter from the Halifax.

* Copy of letter from Commodore Barron to Captain Humphreys :

" SIR,

" I consider the frigate Chesapeake as your prize, and am ready to deliver her to any officer authorised to receive her. By the return of the boat I shall expect your answer ; and have the honour to be,

Sir,

Your most obedient,

Humble servant,

JAMES BARRON."

At sea, 22d June, 1807.

ANSWER.

His Majesty's Ship Leopard, at sea,
22d June, 1807.

" SIR,

" Having, to the utmost of my power, fulfilled the instructions of my Commander in Chief, I have nothing more to desire ; and must, in consequence, proceed to join the remainder of the squadron ; repeating, that I am ready to give you every assistance in my power, and do most sincerely deplore, that any lives should have been lost in the execution of a service, which might have been adjusted more amicably, not only with respect to ourselves, but to the nations to which we respectively belong.

I have the honour to be,

Sir,

Your most obedient humble servant,

S. P. HUMPHREYS.

Q. Were you on board His Majesty's ship *Chichester* in the *Chesapeake* doing duty as Serjeant of Marines?

A. Yes, I was lent from the *Bellona* to His Majesty's ship *Chichester*, on the 10th November, 1806, and remained there until the 15th March, 1807.

Q. Do you know of any deserters from Fort Nelson being claimed by the American Commandant?

A. Yes.

Q. Relate to the Court the particulars.

A. In the early part of February last, the *Chichester* being along side the wharf at Gosport, in Virginia, I saw a party of soldiers under arms, consisting of the Commandant of Fort Nelson, a Serjeant, Corporal, and four Privates, coming from the Fort to the wharf, along side which the *Chichester* was laying. Having entered the gates, they proceeded to Captain Stopford's lodgings; when I was sent for, by him, and asked whether there were any deserters on board from the Fort, I answered, there were not any. The Captain said, "there are three, are there not," and directed me to give them up to the person I supposed the Commandant. I, with the assistance of the Officers, searched the ship, but could not find them, and reported accordingly to the Captain: who then ordered all hands to be turned up, in order to search more particularly, as he was determined to give them up. I with the Master, and other Officers, renewed the search: and at the expiration of an hour, two were found under the stores in the hold, the third was found in one of the store houses, under the sails. Captain Stopford directed Mr. Brooks, one of the Midshipmen of the ship, to be confined, for telling Captain Saunders that he thought it was not right to give up their deserters when they would not give up ours. The deserters, were then put in a boat, and taken, by the American Captain and guard, to the Fort. Their names were, Wm. Burn, a shoemaker by trade, an Irishman, born in Londonderry; Wm. Jones, a weaver by trade, born at Manchester, in England; the name, or place of birth, of the third person, I do not recollect.

Q. Do you know any of the crew, or supernumeraries, deserting from the *Chichester*, and entering into the American Military service.

A. Yes; Convalescents, who came from the Regiments, &c. in the West Indies, for recovery of their health.

Q. Relate the particulars.

A. Robert Simpson and Francis Sedgewick, of the Royal Artillery ; Wm. Phillips, Corporal of Royal Marines, belonging to the Chichester ; Benjamin Withers, of the 15th Regiment of foot ; and John Mahoney, of the 37th, deserted from the Chichester ; some of which enlisted, in English uniform, into the American service, and were afterwards seen by me in the American Military uniform. Simpson and Mahoney were Irishmen, and Withers and Philips, Englishmen, from the County of Lancaster ; I do not know what countryman Sedgewick was, but have repeatedly heard them all declare, they were strangers to the United States.

The Evidence withdrew ; and

Captain John Erskine Douglas, of His Majesty's ship Bellona,
sworn.

Q. Was you Senior Officer of His Majesty's ships in the Chesapeake, when the men stated by the last witness, deserted from the Chichester.

A. I was Senior Officer.

Q. Did you make any application for those men ?

A. I did make application, but they were not given up ; and, to the best of my recollection, the answer given was, "If any deserters from the English service have entered into the American service, they have been sent, with a detachment, into the country."

The prisoner was now called upon for his defence ; having been told, at the examination of each witness that he might ask any questions he pleased. After retiring, for a short time, with the Judge Advocate, he returned into Court, and stated, that the evidence brought against him was so strong, there was but little left for him to say in his defence ; but that the reason of his hiding in the coal-hole, was for fear of the Americans making him fight against his country, which he declared he would not do on any account ; that he, with all the men who deserted from the Halifax, were persuaded by the Boatswain to enter for the Chesapeake, to protect themselves, which they did : Lieut. Sinclair asking them if they had not a second name. About 30 men went in the first draft with him to the Chesapeake, when Captain Gordon mustered them, and they were mustered again in Hampton Roads by the Commodore. He requested leave to call one Evidence in again ; to ask his Officers for a

character; and then he threw himself on the mercy of the Court.

Lord James Townshend stated, that, prior to the charges, he had always behaved himself as a quiet, steady man.

Mr. Turner called in again, and reminded that he was still on his oath.

Q. By the Prisoner. Do you recollect my throwing my oar across the boat, and not rowing after the boat had been pulling some time for the shore, and after others cried out "pull away."

A. I do not. The prisoner pulled away as the others did.

Lieutenant Carter, of the Halifax, on being called on for the prisoner's character, stated, that all the time he was in the sloop, he considered him a steady, sober, attentive man, and one he could have entrusted on shore.

Lieutenant Masters had known the prisoner all the time he had been in the Halifax; never knew any thing against him; he was sober and attentive, and occasionally with working parties on shore.

The prisoner having nothing further to offer, the Court adjourned, from the quarter deck, to consider of the evidence they had heard; and, after maturely and deliberately weighing the same, were of opinion, That the charges against Jenkin Ratford were proved, and adjudged him to suffer death, by being hung at the yard arm of such one of His Majesty's ships, and at such time, as the Commander in Chief at Halifax shall direct: which sentence, being signed by each member, and the Court assembling again, on the quarter deck, the prisoner being brought forward, and the witnesses and audience admitted, was read by the Judge Advocate accordingly. After which, the President addressed the prisoner in nearly the following words:

"YOU have now heard the awful sentence of the Court. You have been found guilty of deserting from the service of your country, which, at all times, is highly criminal; if it was possible to make it more so, it is, at the present crisis, when Great Britain is struggling for her very existence.

"Your deserting from the Halifax, and entering into the American Navy, has been attended with most serious and unfortunate consequences, affecting the peace of both countries.

• The offences of which you have been found guilty, are

of so flagrant a nature, that I cannot flatter you with the least hopes of pardon: I, therefore, earnestly recommend your employing the short time you may have to live, in making your peace with Heaven.

"All who are now present, and have witnessed this Trial, as well as the crews of others of His Majesty's ships, must be convinced of the heinous crime of desertion; more particularly so, when it is attended with mutinous and contemptuous behaviour to your Officers. The fate of the unfortunate prisoner will, I trust, sink deep into your minds, and prevent the continuance of an offence so hurtful to your country, and disgraceful to the character of British Seamen."

On Monday morning last, at a quarter past nine o'clock, the sentence of the Court Martial was carried into effect at the fore-yard arm of His Majesty's Sloop of War, Halifax.

[In order that we may not be accused of suppressing any part of the Halifax Pamphlet, we have retained the remarks which we found subjoined to the account of the Trial.]

REMARKS.

WHILE the American Newspapers have, for two months past, echoed and re-echoed the affair of the Leopard and Chesapeake; while Town Meetings have been assembled throughout the Union, and strings of Resolutions framed, in which each have endeavoured to outdo the others in violence and invective against the British Navy and Government; the President of the United States, instead of disclosing the real state of facts, which was in his possession, and the disclosure of which would have furnished the public mind with a just ground of thinking and acting, has, by the Proclamation he issued (though couched in terms of insidious moderation) misled the public mind; increased the ferment occasioned by the partial knowledge of the facts which led to the transaction complained of, and, to use his favourite philosophical expression, let all parties afloat on "*the tempestuous Sea of Liberty*."

As the violence of the storm has in some measure subsided; the Resolutions, Orations and Toasts gone harmlessly by, it is highly probable, that plain, undisguised facts may now be listened to; and that the minds of men, which have been excited to indignant expressions, by false statements of facts, may feel the deception that has been practised on them, and turn with no less indignation on their deceivers. If this sometimes takes place in countries where the will of the people is not the supreme law, it is much more likely to happen in a country, where all power emanates from the people; and where Liberty is indulged to the extreme of licentiousness.

In the Proclamation, issued by Mr. Jefferson, he states, "that this enormity was not only without provocation or justifiable cause, but was committed for the avowed purpose of taking by force, from a ship of War of the United States, a part of her crew; and that no circumstance might be wanting to mark its character, it had been previously ascertained that the seamen demanded were native citizens of the United States."

Would not any person suppose, from this statement of the President, that the contest between the Leopard and Ches-

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peake, was solely occasioned by the demand of two or three seamen, who before the sailing of the Chesapeake, had been clearly ascertained to be citizens of the United States?

Would it be supposed, for a moment, that the following Order of the Honourable Vice Admiral BERKELEY, a copy of which was delivered to Commodore BARRON, could have been in his possession? Or, can it be imagined that Commodore BARRON, in making his Report to the President of this transaction, should have omitted to make that Order a part of his Report?

BY THE HONOURABLE

GEORGE CRANFIELD BERKELEY,

Vice Admiral of the White, and Commander in Chief of His Majesty's Ships and Vessels employed in the River St. Lawrence, along the Coast of Nova-Scotia, the Islands of St. John, and Cape Breton, the Bay of Fundy, and at, and about the Islands of Bermuda, or Somers' Islands.

WHEREAS many Seamen, Subjects of His Britannic Majesty, and serving in his Majesty's ships and vessels, as per margin,* while at anchor in the Chesapeake, deserted and entered on board the United States frigate the Chesapeake, and openly paraded the streets of Norfolk, in sight of their Officers under the American flag, protected by the magistrates of the town, and the recruiting officer belonging to the above mentioned American frigate; which magistrates and naval Officer, refused giving them up, although demanded by His Britannic Majesty's Consul, as well as the Captains of the ships from which the said men had deserted: The Captains and Commanders of His Majesty's ships and vessels under my command, are, therefore, hereby required and directed, in case of meeting with the American frigate Chesapeake at sea, and without the limits of the United States, to shew to the Captain of her this Order, and to require to search his ship for the deserters from the before mentioned ships, and to proceed and search for the same; and if a similar demand should be made by the American, he is to be permitted to search for any deserters from their service, according to the customs and usage

* Belleisle, Bellona, Triumph, Chichester, Halifax, and Zenobia, (Cuttab)

of civilized nations, on terms of peace and amity with each other.

*Given under my Hand at HALIFAX,
Nova-Scotia, the 1st day of June, 1807.*

(Signed)

G. C. BERKELEY.

To

The respective Captains and Commanders
of His Majesty's ships and vessels on the
North American Station.

The above Order of the Admiral, under which Capt. Humphreys acted, clearly shews, that it was not two or three men he was in quest of, but deserters from His Majesty's ships, Belleisle, Bellona, Triumph, Chichester, Halifax, and Zenobia, (Cutter.)

The facts developed in the interesting Trial of Jenkin Ratford, shew, beyond all controversy, that desertions from His Majesty's ships in the Chesapeake, have been most shamefully encouraged, and that the conduct of the American Officers employed in their recruiting service, has been such, that they have not only enlisted our men under the very eye of their Officers, but when applied to for the delivery of them, their answers have been uniformly evasive and prevaricating.

The President asserts, "that this enormity was without provocation or justifiable cause," and adds, "that *hospitality* under such circumstances ceases to be a duty."

These assertions we will examine separately:—and in order completely to refute the first, we shall merely state the treatment which Captain Stopford, of his Majesty's ship Chichester received.

Early in February, the Commandant of the American Fort Nelson, accompanied by a file of men, called at Captain Stopford's lodgings, and informed him that three men had deserted from the Fort, and were on board his ship, and requested they might be delivered up. Captain Stopford instantly complied with the request of the American Commandant; sent an order to search the ship, and on its being reported to him that the men could not be found, he went on board himself, had his crew mustered, and the ship so effectually inspected, that two of the men were found concealed on board, and the other in a store-house contiguous. They were immediately delivered up to their officer, and taken to the Fort. And,

what renders this transaction more deserving of notice, is, that of the men delivered up, one was an Irishman, and another a native of Manchester. Mr. Brooks, midshipman, stating to Capt. Saunders that he thought it wrong to deliver up these men, as the Americans would not deliver up British deserters, was immediately put under arrest by Captain Stopford, who was determined not to be prevented by the misconduct of others, from doing what he thought was proper and gentlemanly.

Let us now minutely attend to the conduct of Capt. Stopford on this occasion : Did he enter into a nice discussion of the right he had to retain these American deserters ? Did he go with Mr. Madison, into all the windings, and turnings, contained in his nonsensical jargon of instructions transmitted on this subject to Mr. Monroe ? Or, did he urge a reason, which he might with more propriety have offered, that the men in question, were born in His Majesty's dominions ?—No : he had recourse to none of these subterfuges. He felt as an officer ought to feel on such an occasion : he honourably did as he would wish to be done by ; and as far as respected the right these men might have to his protection as British subjects, he justly considered them as renegadoes, who deserved neither the confidence or protection of either country.

We will now contrast the conduct of Captain Stopford, with the shameful treatment he afterwards received, from the American government :

When the Chichester left the West-Indies, four men two belonging to the Royal Artillery, one to the 15th regiment, and one to the 37th, who had been unwell, but were getting into a state of convalescence, were sent on board her, that in a voyage to the States, their recovery might be perfected. These men deserted from the Chichester, and, with their British uniforms on, entered into the American service. They were seen on shore after they had entered, by the Serjeant of Marines of the Chichester, and one of them had the impudence to offer to shake hands with him, but he rejected his offer with becoming contempt.

Those men were applied for by Capt. Douglas, the Commanding Officer of the Squadron in the Chesapeake, and the answer he received was, if any such men had enlisted, they were gone up the country with a detachment.

Did the gentlemanly conduct of Captain Stopford, deserve such a return as this? Will Mr. Jefferson pretend that such treatment did not furnish just cause of offence and provocation? If he can reconcile so base a transaction to modern maxims of philosophy, we ought to be thankful that the plain common sense of the country we inhabit is not yet so perverted, and that the terms *right* and *wrong*, *kindness* and *unkindness*, still retain their proper and appropriate meanings.

We will now notice the case of the Halifax: A midshipman and five men are sent from that ship to weigh the kedge anchor. Those men suddenly take possession of the boat, seize upon their officer, whom they threaten to kill, and reach the American shore. Though the circumstances attending their desertion are peculiarly aggravating, yet they are no sooner landed, than they are enlisted by the American recruiting officer, Lieut. Sinclair; Lord Townshend comes on shore, sees his men parading the streets of Norfolk, with the American flag: makes application to the authority there, through the British Consul, for the delivery of them, without effect. One of the men would willingly have returned with him, had he not been prevented by the unfortunate man, who on Monday last suffered for his crime. He finally applies to Lieutenant Sinclair, and offers, if permitted to go into the rendezvous, to point out the men, but obtains no satisfaction, and receives the evasive, prevaricating answer, that he knew of no men who had entered, of the names his Lordship mentioned.

The American sloop of war, *Wasp*, which sailed the beginning of June, with the President's objections to the pending Treaty, as an additional proof of friendly intention, carried with her three British deserters.

A number of men deserted from the respective ships named in the Admiral's Order, and in no instance have they been given up in consequence of the applications made for them, but have been encouraged and harboured in their desertion, and the most of them entered into the American Naval service.

In short, the desertions from our Squadron in the Chesapeake have been regularly and systematically encouraged, and in too many instances, has insult been added to injury. And, yet, says Mr. Jefferson "this enormity was without provocation, or justifiable cause,"

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Would the Commandant of Fort Nelson have thought as Mr. Jefferson does, if Captain Stopford had refused to have given up his deserters when he applied for them? Would he have been satisfied if Captain Stopford had told him, that no men of the names he inquired for were entered for his ship, if the very men were at the time, in defiance of him, parading the deck of the *Chichester*? And would it have exalted his opinion of Captain Stopford, if he had known that the names of the men had been changed by his advice, that he might be furnished with a reply so ungentlemanly and evasive?

We wish the American Naval Officers, among whom are many men of honour, to answer these questions, and candidly acknowledge what would have been their feelings had the case been reversed, and they placed in the same situation. Would they have thought, as Mr. Jefferson does, that they had no ground of offence or provocation? We are satisfied that not only they, but the feelings of all mankind will answer the question with becoming indignation.

Under these circumstances, what course was left to the Commander in Chief of His Majesty's Squadron on this station to pursue, but either to suffer his ships to be dismantled in the American harbours, where such *insidious hospitality* was afforded them, or to take the very step he did, by which he should not only put an immediate stop to the injury, but bring this question to a determinate issue between the two nations.

The theatre for the decision of this important question, was the most appropriate that could have been chosen, *the Open Ocean*; that the appeal and the justice of it, might not only be made to the two Nations, but to the Universe. In this Court of honour, no quibbling civilians were admitted. The complaint was simply stated in the Admiral's Order, (which we have already inserted) and transmitted to Commodore Barron, with a polite note, from Captain Humphreys.

To this demand Commodore Barron replies, "I know of no such men as you describe; the Officers that were on the recruiting service for this ship, were particularly instructed by the government, through me, not to enter deserters from His Britannic Majesty's ships; nor do I know of any being here."

The demand being made, and the reply given, the facts were completely at issue between the parties. And what was

the result? That Jenkin Ratford, a deserter from His Majesty's Ship *Halifax*, one of the ships named in the Admiral's Order, was found on board the *Chesapeake*. And that William Ware, Daniel Martin, and John Strachan, three deserters from His Majesty's ship *Melampus*, (a ship not named in the Admiral's Order, but coming within the spirit of it) were also found on board, and very properly taken out by Captain Humphreys.

How can Commodore Barron look honourable men in the face after a disclosure like this? It was in the open view of the Universe; putting the seal to all the former evasive, prevaricating answers that our Officers had received on application for their deserters: Nor can all the waters of Lethe blot out the disgrace.

If the American Government, had, in sincerity and good faith issued the order forbidding deserters from British ships to be enlisted on board the *Chesapeake*, would not Mr. Jefferson have instantly ordered a Court of Inquiry, to know why that order had been disobeyed, and to find out the culprits who had dared, by their disobedience of so salutary a regulation, to involve two countries in a contest, the great mass of the inhabitants of which sincerely wish to be at peace with each other? Has any such measure been adopted, or any disclosure of the circumstances which led to this transaction, been made by the American Government? And are not many of the American papers loud in their complaints, at the mysterious secrecy observed on this occasion? Does it not look too much like a design to push the public mind, blind folded, to extremities?

If doubt can still remain in the mind of any person, whether Commodore Barron knew that the men who were taken out of his ship, were British deserters, we copy the following extracts from their own voluntary confessions:

John Strachan, after giving an account of his desertion from the *Melampus*, the first of February, in company with Ware, Martin and Little, says, "they went to Norfolk, where he, Martin and Ware, entered for the *Chesapeake*, that he knew the faces of several Englishmen on board the *Chesapeake*, but did not know their names, that Commodore Barron promised to protect him."

William Ware, says, "that when they came before Commodore Barron, at the Naval Yard at Washington, he prom-

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ified to protect them, although they were deserters from an English Man of War."

Jenkin Ratford, before his execution, acknowledged, "that he was born in London, that he voluntarily entered into His Majesty's Service, that he deserted in the jolly boat of the *Halfix*, in company with George North, captain of the main top, Henry Saunders, boatswain's mate, Richard Hubert, sail maker, and another man whose name he did not know, that that they all entered at Norfolk for the *Chesapeake* frigate, and afterwards joined her at the Federal City; that in a short time Richard Hubert ran away, and was seen at Alexandria by some of the crew, about three days after; and that George North and Henry Saunders ran away during the time the ship was coming down the river. That Richard Hubert was from Liverpool, and formerly belonged to the *Leander*, and that Saunders was an Irishman. On his defence, Ratford said, "that at the time of their entering for the *Chesapeake*, Lieutenant Sinclair asked them if they had not a second name." On this suggestion, Ratford altered his name to Wilson, and as so entered on the *Chesapeake's* books. To this circumstance it is owing, that the names of North and Saunders were not to be found in the books, and to their having deserted on the passage of the *Chesapeake* from Washington to Norfolk, is also owing that they were not, like Ratford, found hid in the coal hole of that frigate. What protection Commodore Barron, after all his promises, afforded to these deluded, unhappy men, his own feelings must long before this time have suggested to him.

After the preceding statement of facts, we believe it will be very difficult for Mr. Jefferson to satisfy any man, "*that this enormity was without provocation or justifiable cause?*"

We shall now briefly notice his other assertion, "*that hospitality under such circumstances ceases to be a duty.*"

After the statement we have given of the treatment our Squadron received in the *Chesapeake*, it will naturally be enquired, "What can Mr. Jefferson mean by *hospitality*?" It is true, that our ships were furnished with provisions in the *Chesapeake*; and as far as this hospitality extended, an equivalent return was constantly made in the punctual and regular payment for those provisions; and thus this account of hospitality, was very nearly balanced. But were those supplies to be put in competition with the daily injury received in the

encouragement of our men to desertion? Would Mr. Jefferson, if invited to a banquet, come away very much delighted with the hospitality of his host, if he found that while he was partaking of his viands, he had enticed from his duty a favourite servant? If on remonstrating at the injury, he should be coolly told, the law will protect me in what I have done; would he be able to contain his resentment? Or would he be very desirous of partaking again of such hospitality?

Exactly resembling this, is the *hospitality* that our Squadron has been excluded from by the President's Proclamation.

The kindest step Mr. Jefferson could have taken, would have been to have issued this Proclamation some months ago. A number of seamen, the greatest part of whom are now lamenting their folly in abandoning their country's flag, would have been in our service, and the life of the unhappy man preserved, whose fate we hope will be a warning to others.

While therefore it shall be necessary for our ships to remain in the Chesapeake, we sincerely wish that their communication with the American shore may remain interdicted, and that the *mischievous hospitality* so vaunted of by the President, may continue to be withheld from them.

In the present eventful state of the world, the British Navy, in the course of Providence, forms the only barrier between France and Universal Empire. That this barrier may not be either weakened or destroyed, ought not only to be the wish of Great-Britain, but of America also. Their rulers may be at present fascinated with French victories, or they may be deceived by French intrigues: but if they do not more carefully look to the evils that are impending, it is highly probable, the day is not far distant, when they will feel the effects of their blindness and temerity.

We will now close these remarks with a few observations on another expression in the President's Proclamation, where he says "it had been previously ascertained (that is, before the sailing of the Chesapeake) that the seamen demanded were native citizens of the United States." This assertion we doubt, and for the following reason: in looking into the official paper published at Washington, after some very indelicate remarks, as they respect Mr. ERSKINE, the British Minister, and of the communications with him relative to British deserters, it gives the descriptions and places of birth of William Ware, Daniel Martin, John Strachan, John Little,

Francis, and Ambrose Watts, as stated to the American Government before the sailing of the Chesapeake, by Commodore Barron, who, it is said, had been directed to ascertain their citizenship. That these descriptions were merely taken from the declarations of the men themselves, and that Commodore Barron, and the American Government, took no further trouble in the business, will be rendered evident to all, who do not choose to shut their eyes by the sentence, which immediately follows the above description, in the Washington Official Gazette, which says, "that the Report is in train (that is Commodore Barron's Report, before the sailing of the Chesapeake) to be formally verified by a recurrence to the sources of evidence pointed out by the seamen respectively."

Now can any thing be clearer, than that this Report of Commodore Barron's was not verified before the sailing of the Chesapeake? If it was, it's surely a work of supererogation to go about the verification of it now. The facts, once clearly ascertained by good evidence, would be for ever established. We could strengthen these observations by the testimony of the unhappy men themselves, and prove, if any proof was wanting, that Commodore Barron went through the ceremony of asking them a few questions, and thus ended the solemn enquiry he was directed to make, and on this solemn enquiry alone, rests Mr. Jefferson's assertion, "*that it had been previously ascertained they were native citizens.*"

If, therefore, we take this assertion of the President, and couple it with Commodore Barron's reply to Captain Humphreys, and the whole train of prevarications and evasions that have marked every stage of this business, we shall find in how little estimation the peace of the two countries has been held by the American Government. For the facts we have stated speak forcibly to the understanding of every man.

One observation more, and we shall at present dismiss the subject.

The men whose citizenship, Mr. Jefferson attempts to verify, belonged to His Majesty's ship *Melampus*, a ship not named in the Admiral's Order, under which Captain Humphreys acted. And this circumstance totally destroys the assertion of Mr. Jefferson, that it was for the apprehension of those very men this enormity was committed. The *Melampus* and her men were totally out of the question at issue between the two ships. It would certainly have shewn some

degree of fairness, if to this Report of Commodore Barton, the pedigree of John Wilson, *alias* Jenkin Ratford, Richard Flubert, George North, and Henry Saunders, had been added. These men all joined the ship at Washington, and sailed in her from thence. It is true their desertion prevented their being found on board the Chesapeake; but this does not render the conductors of this shameful prevaricating transaction less criminal.

We omit many other facts which might be urged on this occasion; as they will more properly be connected with the case of the unfortunate men who are yet to take their trials.

The above statement of facts is given, not to irritate or widen the breach between two nations, who ought to be in amity with each other. Who, should a contest ensue, might materially mar their mutual prosperity, without deriving any benefit from that contest: but by spreading all the circumstances minutely before them, to give all parties an opportunity impartially to examine the case; and we are confidently persuaded, that all candid men will at length agree with us; that if Mr. Madison's quibbling productions on the Law of Nations, had been thrown into the fire, a little sincerity and plain dealing substituted in the place of the evasions which have marked every part of this transaction, and the same undisguised courtesy and hospitality practised, which marked the conduct of Captain Stopford, the harmony of the two nations would never have been interrupted, and the commercial prosperity of both, gone hand in hand with each other.

HALIFAX, SEPTEMBER 5, 1807.

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